

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 13-26 are pending. Claims 1, 15, 16, and 18 are amended, and Claims 25 and 26 are newly submitted. No new matter is introduced.¹

In the outstanding Office Action, Claims 13-19 and 22-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung (US Patent No. 6,974,518) in view of Seelen (US Patent No. 2,768,475); and Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hornung in view of Seelen and Battersby (US Patent No. 3,957,406).

It is respectfully requested that the rejection of Claims 13-19 and 22-24 be withdrawn.

Independent Claim 13 relates to an insulating glazing panel. Amended Claim 13 clarifies that the glazing panel includes a first glass pane, a second glass pane, and a spacer configured to keep the first and second glass panes apart. The spacer includes a first end face, a second end face, a substantially flat external face, and a substantially flat internal face. The spacer is fixed by adhesive bonding using a first fastener and a second fastener. Amended independent Claim 13 recites the first fastener *directly contacts* the internal face of the spacer, the first end face, and the internal face of the first glass pane, or the first fastener *directly contacts* the internal face of the spacer and an end face of the first glass pane such that the end face of the first glass pane directly faces the internal face of the spacer.

Turning to the applied reference, the outstanding Office Action identifies the spacer 162 depicted in Figures 20-28 of Hornung as the claimed spacer. However, the outstanding

¹ Support for the newly submitted and amended claims can be found at least in the claims as previously filed and at least at page 13, lines 15-38 of the specification as originally filed, with reference to Figures 2 and 3, for example.

Office Action acknowledges that Hornung “does not show the strip fixed by adhesive bonding using at least a first fastener, the first fastener having at least a portion placed on the internal face of the strip, and is adhesively bonded against at least one internal face of the one glass pane, wherein at least the first fastener including means for sealing with respect to the interior of the glazing panel.”² The outstanding Office Action attempts to cure this deficiency by applying Seelen, stating “Seelen et al. discloses the strip(14) fixed by adhesive bonding using at least a first fastener(19), the first fastener having at least a portion (figure 7) placed on the internal face of the strip, and is adhesively bonded against at least one internal face of the one glass pane.”³

However, amended independent Claim 13 requires (1) the first fastener *directly contacts* the internal face of the spacer, the first end face of the spacer, and the internal face of the first glass pane, or (2) the first fastener *directly contacts* the internal face of the spacer and an end face of the first glass pane such that the end face of the first glass pane directly faces the internal face of the spacer. Seelen fails to disclose or suggest this feature.

Figures 3-7 of Seelen illustrate a metallic frame member 13 that includes a flexible spacing web 14, lands 15 and 16, and wings 17 and 18.⁴ Figure 4 of Seelen illustrates a frit 19 that has been applied to the sealing surfaces, 15, 16, 17, and 18 of the frame 13.⁵ Figure 5 of Seelen illustrates a low melting point frit putty 20 that is applied to the ceiling surfaces 14, 15, 16, and 17 of the pre-glazed frame 13.⁶ However, neither the frit 19 nor the frit putty 20 *directly contacts* all of the surfaces claimed in independent Claim 13. For example, as can be

² See the outstanding Office Action at page 3, lines 17-20.

³ See the outstanding Office Action at page 3, line 21 to page 4, line 1.

⁴ See Seelen at column 2, lines 60-64.

⁵ See Seelen at column 3, lines 13-19.

⁶ See Seelen at column 3, lines 65-74.

seen in Figure 7 of Seelen, the frit 19 is interposed between the frit putty 20 and the lands 15 and 16. Therefore, although the frit putty 20 directly contacts the internal faces of the glass panes 11 and 12, the frit 19 is *interposed between* the frit putty 20 and the frame 13. Thus, the frit putty 20 does not *directly contact* the frame 13. Nor does the frit 19 *directly contact* an end face or an internal face of either of the glass pane 11 or the glass pane 12 of Seelen.

Accordingly, even the combined teachings of Hornung and Seelen fail to disclose or suggest all the features of amended independent Claim 13. It is submitted independent Claim 13 and the claims dependent therefrom are in condition for allowance.

With respect to the rejection of Claims 20 and 21 as obvious over Hornung in view of Seelen and Battersby, Battersby fails to cure the deficiencies in the combination of Hornung and Seelen discussed above with respect to independent Claim 13. Accordingly, Claims 20 and 21 are believed to be in condition for allowance for at least the same reasons as Claim 13, from which they depend.

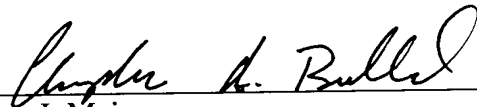
New Claims 25 and 26 depend from Claim 13 and recite further features that are not disclosed or suggested by the cited references. Moreover, as discussed above, Claim 13 is believed to be in condition for allowance. Accordingly, new Claims 25 and 26 are believed to be in condition for allowance for at least the same reasons as Claim 13, from which they depend.

For the reasons discussed above, no further are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore a Notice of Allowance for Claims 13-26 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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